

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

XEROX CORPORATION
Plaintiffs

v.

MUNICIPALITY OF SAN JUAN
Defendants

Civil No. 04-2126 (JAG)

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U.S. DISTRICT COURT
SAN JUAN, P.R.

ORDER

On November 1, 2005, plaintiff Xerox Corporation (hereafter "Xerox"), filed a Motion Requesting Order to Compel Registration of Municipal Contracts. (**Docket No. 48.**) This motion follows a series of status/settlement conferences between the parties. Plaintiff's in the case at bar, are demanding from defendant, the Municipality of San Juan (hereafter "MSJ"), certain sums allegedly owned and that result from the rent of equipment and services provided by plaintiff. The parties have conducted discovery and jointly worked in identifying each contract for equipment/services; evidence regarding account receivables and payables, its registration with the Comptroller's Office and all related information. In the case, the main issues have been identified being the first: the contracts validly entered between Xerox and MSJ which are only pending to be registered at the Office of the Comptroller of Puerto Rico. Plaintiff now seeks an Order for the registration of several contracts identified as Exhibits A-F.

Thereafter, on November 14, 2005, defendant MSJ filed its Response to Plaintiff's Motion Requesting Order to Compel Registration of Municipal Contracts. (**Docket No. 48.**) In essence, defendant asserts that as to the contracts identified as Exhibit C, there is no

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need for a court order compelling registration inasmuch as, they have been properly registered with the Office of the Comptroller. Thus as to Exhibit C, defendant's response is **NOTED** and plaintiff's request will be **MOOT**.

Regarding the remaining contracts, defendant asserts these contracts lack essential requirements within the MSJ Regulations for the Processing and Formalization of Contracts. For example, defendant indicates these contracts are drafted in Xerox format, have no Spanish translation or counterpart, do not indicate a registry number and do not indicate "the budgetary line item from which the funds were reserved." Absent these requirements, MSJ contends the contracts are to be deemed null and void and registration will be denied by the Comptroller's Office. (**Docket No. 50.**)

Plaintiff moved to amend the request for an Order to Compel Registration on February 8, 2006. (**Docket No. 61.**) Based on additional evidence obtained during discovery, plaintiff now modified its initial request as follows: (a) acknowledges that what he now identifies as Contracts 3 and 4 (before Exhibits D and F) were registered; (b) reinstates its original petition as to Exhibit A and B (Contracts 1 and 2.)

Having considered the evidence on record, the parties pleadings and the fact that defendant MSJ has presented no recognizable opposition as to contracts that were previously signed between both parties, the request for registration of Contracts 1 and 2 is **GRANTED**.

Accordingly, the Clerk of Court will take notice of the following:

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MOTION	RULING
DOCKET 48 Motion Requesting Order to Compel Registration of Municipal Contracts	GRANTED IN PART.
DOCKET NO. 50 Defendant's Response to Plaintiff's Motion Requesting Order to Compel Registration of Municipal Contracts	NOTED.
DOCKET NO. 54 Xerox' Request for Leave to File Reply Memorandum to Defendant's Response to Motion Requesting Order to Compel Registration of Municipal Contracts	NOTED.
DOCKET NO. 61 Motion to Amen Plaintiff's Request for Order to Compel Registration of Municipal Contracts	NOTED and GRANTED.

SO ORDERED.At San Juan, Puerto Rico, this 17th day of March, 2006.


S/AIDA M. DELGADO-COLON
U.S. Magistrate-Judge